

**P O R T E R | S C O T T**

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Attorneys for Defendant COUNTY OF SISKIYOU

*(Exempt from Filing Fees Pursuant to Government Code § 6103)*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

XAO THAO,

Case No. 2:23-cv-02563-DJC-CKD

Plaintiffs,

**DEFENDANT COUNTY OF SISKIYOU'S  
ADDITIONAL UNDISPUTED  
MATERIAL FACTS IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT**

v.

COUNTY OF SISKIYOU, and DOES 1,  
THROUGH 50,

Date: September 18, 2025

Time: 1:30 P.M.

Courtroom: 7, 14<sup>th</sup> Floor

Defendants.

Complaint Filed: 11/06/2023

In addition to the Joint Undisputed Facts submitted pursuant to the court's Scheduling Order dated March 1, 2024 (ECF No. 7), Defendant COUNTY OF SISKIYOU hereby submit this Statement of Additional Undisputed Material Facts<sup>1</sup> in Support of their Motion for Summary Judgment.

**STATEMENT OF FACTS**

UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	
12.	Plaintiff was cultivating marijuana on at least on one the Properties to be searched.  Request for Admissions No. 10; Deposition of Plaintiff, p.13:18-24
13.	During the execution of the warrants on 8/16/2022, Plaintiff attempted to flee from law enforcement, disobeying an order to stop.

<sup>1</sup> These facts are numbered as consecutive from the Joint Facts submitted.

	Request for Admissions no. 14, 15, 18; Deposition of Plaintiff, p.18:23-p.19:1
14.	On 8/16/2022, and prior to being physically detained, Plaintiff had a knife in his possession.  Request for Admissions No. 16; Deposition of Plaintiff, p. 19:2-5
15.	On 8/16/2022, and prior to being physically detained, Plaintiff attempted to climb over a fence.  Request for Admissions No. 17; Deposition of Plaintiff, p. 19:9-24.
16.	On 8/16/2022, Plaintiff resisted being physically detained by law enforcement.  Request for Admissions No. 20; Deposition of Plaintiff, p. 19:13-15; p.19:16-20.
17.	For the time frame at issue, the Siskiyou Sheriff's Department adopted Policy No. 300, which sets forth that force use be reasonable under the circumstances  Declaration of Samuel Kubowitz at 5.
18.	For the time frame at issue, the Siskiyou Sheriff's Department adopted Policy No. 312, which sets forth that valid warrants are required for a search  Declaration of Samuel Kubowitz at 6.
19.	For the time frame at issue, the Siskiyou Sheriff's Department adopted Policy No. 401, which sets forth that bias-based policing – defined as an inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement – is strictly prohibited.  Declaration of Samuel Kubowitz at 7.
20.	Plaintiff was not aware of any other property owners in Siskiyou County that are Hmong that were growing marijuana and had search warrants executed on the property.  Deposition of Plaintiff, p. 26:12-14

Dated: July 25, 2025

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By /s/ John R. Whitefleet  
John R. Whitefleet  
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Attorneys for Defendant